

spinnaker

Blue Category

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Label: Permanent (Capstone approach) Expires: Never

KS

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Kolak, Shari

Tue 11/19/2019 5:04 PM

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To:

- Kolak, Shari

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You forwarded this message on Tue 11/19/2019 5:04 PM

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Label: Permanent (Capstone approach) Expires: Never

HS

Hersh, Stuart

Tue 11/19/2019 3:46 PM

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To:

- Kolak, Shari

Shari,

Documenting our discussions so I can keep this moving forward, since Spinnaker seems eager to resolve the contamination issue on its property.

Earlier today we discussed with Spinnaker and the prospective purchaser (represented by Susan Strom) 6 options for resolving contamination on the Spinnaker parcel, with a recommendation that the prospective purchaser enter into a prospective purchaser agreement. A PPA would provide cleanup of the contamination and a Covenant Not To Sue.

Tim, on behalf of Spinnaker proposed the option of Spinnaker completing the work without the prospective purchaser. Since this is a bit different than the other 6 options we had discussed, I have suggested that you and I consider a non-time critical removal action AOC. Such an action could proceed rather quickly, should not require HQ involvement, and provides a covenant to Spinnaker. Spinnaker would be a PRP (de minimis?) for a divisible portion of the Site contamination, since our assessment is

that Spinnaker acquired the property without “all appropriate inquiry” (for the EA-6 parcel), voiding the potential claim of a BFPP.

Since Spinnaker’s proposal would involve a different authority mechanism than a PPA, I would like to inform Tim as soon as possible if a non-time critical removal is the appropriate pathway forward for this (7th) option. Please let me know if my participation is requested in any of the discussions that you may have with your management.

Thank you,

Stu